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Attorneys for Plaintiffs  
 CRAIG YATES  
 and DISABILITY RIGHTS  
 ENFORCEMENT, EDUCATION,  
 SERVICES: HELPING YOU  
 HELP OTHERS

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

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| CRAIG YATES, an individual; and )          | <b>CASE NO. C07-00946 CRB</b>              |
| DISABILITY RIGHTS, ENFORCEMENT, )          |  |
| EDUCATION, SERVICES:HELPING YOU )          | <b>STIPULATION OF DISMISSAL AND</b>        |
| HELP OTHERS, a California public benefit ) | <b><del>[PROPOSED]</del> ORDER THEREON</b> |
| corporation, )                             |  |
| Plaintiffs, )                              |  |
| v. )                                       |  |
| CELIA'S RESTAURANTS )                      |  |
| CORPORATION, a California corporation, )   |  |
| dba CELIA'S NO.7; STEPHEN E. BLOCK )       |  |
| and DALE F. BLOCK, a married couple; )     |  |
| and OVERAA VENTURES, a California )        |  |
| Limited Liability Company )                |  |
| Defendants. )                              |  |

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the General Release ("Release") herein, each party is to bear its own costs and attorneys' fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON

1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action  
2 through their designated counsel that the above-captioned action be and hereby is dismissed  
3 with prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1).

4 This stipulation may be executed in counterparts, all of which together shall constitute  
5 one original document.

6  
7 Dated: May 6, 2008

THOMAS E. FRANKOVICH  
*A PROFESSIONAL LAW CORPORATION*

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9 By: \_\_\_\_\_/s/  
10 THOMAS E. FRANKOVICH  
11 Attorneys for Plaintiffs CRAIG YATES and  
12 DISABILITY RIGHTS, ENFORCEMENT, EDUCATION,  
SERVICES:HELPING YOU HELP OTHERS, a California  
public benefit corporation

13 Dated: March 30, 2008

KELLY, HERLIHY & KLEIN LLP

14  
15 By: \_\_\_\_\_/s/  
16 Jonathan A. Klein  
17 Attorneys for Defendants STEPHEN E. BLOCK and  
18 DALE F. BLOCK, a married couple; and OVERAA  
VENTURES, a California Limited Liability Company

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**ORDER**

IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the purpose of enforcing the parties' General Release should such enforcement be necessary.

Dated: May 08, 2008

